

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>IN RE LINERBOARD ANTITRUST</b>	)	<b>MDL No. 1261</b>
<b>LITIGATION</b>	)	
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	
<b>Civil Action Numbers 98-5055</b>	)	
<b>and 99-1341</b>	)	
	)	

**TWENTY-SIXTH CASE MANAGEMENT ORDER**

**AND NOW**, this 18<sup>th</sup> day of December, 2007, following a Status Conference with the parties, through counsel, on December 14, 2007, **IT IS ORDERED** that all lawsuits filed by former class members who opted out of the classes as certified by the Court (“direct actions”) shall proceed as follows:

**A. Liaison Counsel**

1. Richard J. Leveridge, Esquire, of the firm of Dickstein Shapiro LLP, shall continue to serve as liaison counsel for all plaintiffs in all direct actions and shall continue to keep the Court advised of the status of all direct actions.

2. Stephen D. Brown, Esquire, of the firm Dechert LLP, shall continue to serve as liaison counsel for the remaining defendants. Liaison counsel shall perform those functions set forth in the Court’s October 4, 2000, Practice and Procedure Order, ¶ 7.

**B. Transfer of Direct Actions/Consent to Try Direct Actions in This Court.**

The parties in all direct actions transferred to this Court have consented to a consolidated

trial in this District.<sup>1</sup> On or before December 31, 2007, all such parties, through counsel, shall submit the approved consent form providing for a trial of all pending direct actions in this District.

**C. Pleadings**

The pleadings in all direct actions are closed.

**D. Fact Discovery in Direct Actions**

The fact discovery in all direct actions is closed.

**E. Expert Discovery and Daubert Motions in Direct Actions**

The expert discovery in all direct actions is closed. Defendants' *Daubert* motion was decided by Order and Memorandum dated July 30, 2007. There are no pending *Daubert* motions.

**F. Dispositive Motions in Direct Actions**

Defendants' Motions for Summary Judgment were granted in part and denied in part by Memorandum and Order dated August 30, 2007. There are no pending dispositive motions in the direct actions.

**G. Discovery Disputes in Direct Actions**

All discovery disputes have been resolved.

**H. Privileges Preserved**

No communication among plaintiffs' counsel or among defendants' counsel shall be taken as a waiver of any privilege or protection to which they would otherwise be entitled.

**I. Status Conference**

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<sup>1</sup>All direct actions initially filed in this Court have been settled.

The Court will hold a status conference with liaison counsel on Wednesday, January 9, 2008, at 5:00 P.M. Any other attorneys interested in participating in the January 9, 2008, telephone conference may do so. Liaison counsel for direct action defendants, Stephen D. Brown, shall initiate the telephone conference. The Court will address during the January 9, 2008 conference the schedule for all pretrial matters and the trial, and any matters which are ripe for discussion. Any materials the parties intend to submit for consideration during the status conference should be presented to the Court no later than noon on Monday, January 7, 2008.

The January 9, 2008, status conference will be recorded. Further telephone status conferences will be scheduled during the January 9, 2008, telephone conference.

**J. Trial**

1. Trial Exhibits

a. Parties shall exchange lists of trial exhibits (excluding demonstrative exhibits), together with copies of all exhibits specifying exact Bates numbers ranges for each exhibit. Each party will provide opposing counsel with copies of specific exhibits as requested but not all exhibits need to be exchanged - January 7, 2008 (Monday);

b. Parties shall exchange objections to each other's list of trial exhibits - January 22, 2008 (Tuesday);

c. Parties shall meet and confer - By February 4, 2008 (Monday);

d. Parties shall file revised lists of trial exhibits listing objections to be resolved by the Court with statement of authority for each objection - February 11, 2008 (Monday); and,

e. Hearing on objections to trial exhibits - Monday, March 10, 2008, 10:30 A.M.

## 2. Deposition Designations

a. Plaintiff shall serve deposition designations (all designations by all parties to be made by page and line) - January 18, 2008, (Friday);

b. Defendants shall serve (i) deposition designations, (ii) objections to plaintiff's deposition designations, (iii) designations for completeness, and (iv) counter-designations - February 8, 2008 (Friday);

c. In response to b(i), (iii) and (iv) above, plaintiffs shall serve (i) objections, (ii) designations for completeness, and (iii) counter-designations February 19, 2008 (Tuesday);

d. In response to c(ii) and (iii) above, defendants shall serve (i) objections and (ii) designations for completeness - March 3, 2008 (Monday);

e. The parties shall meet and confer - By March 7, 2008 (Friday);

f. The parties shall file revised lists of deposition designations with counter-designations, listing objections to be resolved by the Court with statement of authority for each objection - March 11, 2008 (Tuesday);

g. Hearing on objections to deposition designations - March 17, 2008 (Monday)  
at 10:30 A.M.

## 3. List of Witnesses

a. Plaintiffs shall submit their list of witnesses to Defendants with information required by Local Rule 16.1, including designating who will be called live and who will be presented by deposition - February 11, 2008 (Monday); and,

b. Defendants shall submit their lists of witnesses to Plaintiffs with information

required by Local Rule 16.1, including designating who will be called live and who will be presented by deposition - February 19, 2008 (Tuesday).

4. *In Limine* Motions

a. In order to limit the number of *in limine* motions, each party shall submit to each opposing party a list of proposed motions *in limine* - January 4, 2008 (Friday);

b. The parties shall meet and confer on or before January 11, 2008 (Friday), in an effort to limit the filing of motions *in limine*. Any agreements of the parties which eliminate the need to file motions *in limine* shall be memorialized by the parties. The parties shall provide the Court with copies of all writings memorializing any such agreements;

c. Each party shall file initial round of *in limine* motions - January 25, 2008 (Friday);

d. Responses to motions *in limine* shall be filed - February 8, 2008 (Friday);

e. Replies to motions *in limine* shall be filed - February 15, 2008 (Friday);

f. Hearing - March 10, 2008 (Monday) 10:30 A.M.;

5. Jury Instructions, Voir dire Questions, and Jury Questionnaire

a. Parties shall exchange sets of proposed jury instructions, voir dire questions and jury questionnaires - February 4, 2008 (Monday);

b. Parties shall exchange objections February 18, 2008 (Monday);

c. Parties shall meet and confer - By February 22, 2008 (Friday); and,

d. Parties file agreed-upon and contested proposed jury instructions, voir dire questions and jury questionnaires with briefs on contested instructions, questions and questionnaires - February 29, 2008 (Friday).

6. Statement of the Case

Parties submit a joint proposed statement of the case ("statement"), not exceeding (5) five pages, to be read to the jury at the commencement of the case. The statement shall cover: (a) a brief statement of the facts; (b) a brief statement of the plaintiffs' causes of action and the essential elements of each cause of action; and (c) a brief statement of the defenses and the essential elements of each affirmative defense - March 10, 2008 (Monday).

7. Final Pretrial Conference - March 17, 2008 (Monday) at 10:30 A.M.

8. Demonstrative Exhibits

a. Parties shall exchange sets of proposed demonstrative exhibits - February 19, 2008 (Tuesday);

b. Parties shall exchange objections - February 22, 2008 (Friday);

c. Parties shall meet and confer - By February 29, 2008 (Friday); and,

d. Each party shall file agreed-upon and contested proposed demonstrative exhibits - March 7, 2008 (Friday).

9. Trial- March 24, 2008 (Monday). The estimated trial time is four (4) to five (5) weeks. See separate Trial Order dated December 18, 2007, specially listing the case for trial on March 24, 2008, and attaching all counsel.

**NOTE: All hearings scheduled by this Order and the Final Pretrial Conference shall be held in Courtroom 12-B, U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania, and shall continue from day-to-day until concluded.**

**BY THE COURT:**

/s/ Honorable Jan E. DuBois  
**JAN E. DUBOIS, J.**